

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

MWK RECRUITING, INC.,

§

Plaintiff,

§

v.

1:18-CV-444-RP

EVAN P. JOWERS, YULIYA  
VINOKUROVA, LEGIS VENTURES (HK)  
COMPANY LIMITED, and ALEJANDRO  
VARGAS,

§

Defendants.

§

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EVAN P. JOWERS,

§

Counterplaintiff,

§

v.

§

MWK RECRUITING, INC., ROBERT E.  
KINNEY, MICHELLE W. KINNEY,  
RECRUITING PARTNERS GP, INC.,  
KINNEY RECRUITING LLC,  
COUNSEL UNLIMITED LLC, and KINNEY  
RECRUITING LIMITED,

§

Counterdefendants.

§

**ORDER**

Before the Court is Defendant Evan P. Jowers (“Jowers”) Unopposed Motion for Leave to File Second Amended Answer, Affirmative Defenses, and Counterclaims. (Dkt. 133). Jowers seeks leave to file an amended answer “for the sole purpose of making minor alterations to his factual allegations regarding the date of his separation from the Kinney Entities.” (*Id.* at 1). His motion is unopposed. (*Id.* at 3–4).

The Federal Rules of Civil Procedure permit a party to amend its pleading “once as a matter of course,” but afterwards “only with the opposing party’s written consent or the court’s leave.”

Fed. R. Civ. P. 15(a)(1)–(2). Courts are directed to “freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). Rule 15(a) “requires the trial court to grant leave to amend freely, and the language of this rule ‘evinces a bias in favor of granting leave to amend.’” *Lyn-Lea Travel Corp. v. Am. Airlines*, 283 F.3d 282, 286 (5th Cir. 2002) (quoting *Chitimacha Tribe of La. v. Harry L. Laws Co., Inc.*, 690 F.2d 1157, 1162 (5th Cir. 1982)). “[A]bsent a ‘substantial reason’ such as undue delay, bad faith, dilatory motive, repeated failures to cure deficiencies, or undue prejudice to the opposing party, ‘the discretion of the district court is not broad enough to permit denial.’” *Mayeaux v. La. Health Serv. & Indem. Co.*, 376 F.3d 420, 425 (5th Cir. 2004) (quoting *Dussony v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 598 (5th Cir. 1981)).

The Court finds that there is no substantial reason to deny leave and that it is in the interest of justice to allow Jowers to file an amended answer. Given this finding and Rule 15’s “bias in favor of granting leave to amend,” the Court will grant his motion. *See Lyn-Lea Travel Corp.*, 283 F.3d at 286; *Mayeaux*, 376 F.3d at 425.

Accordingly, **IT IS ORDERED** that Jowers’s Unopposed Motion for Leave to File Second Amended Answer, Affirmative Defenses, and Counterclaims, (Dkt. 133), is **GRANTED**.

**SIGNED** on January 21, 2020.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE